

EXHIBIT C

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Attorneys for Specially Appearing Defendant
PROTON MANAGEMENT LTD.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ELECTRIC SOLIDUS, INC. d/b/a
SWAN BITCOIN, a Delaware
corporation,

Plaintiff,

v.

PROTON MANAGEMENT LTD., a
British Virgin Islands corporation;
THOMAS PATRICK FURLONG;
ILIOS CORP., a California corporation;
MICHAEL ALEXANDER HOLMES;
RAFAEL DIAS MONTELEONE;
SANTHIRAN NAIDOO; ENRIQUE
ROMUALDEZ; and LUCAS
VASCONCELOS,

Defendants.

Case No. 2:24-cv-08280-MWC-E

**SPECIALLY APPEARING
DEFENDANT PROTON
MANAGEMENT LTD'S
RESPONSES AND OBJECTIONS
TO PLAINTIFF'S FIRST
TARGETED INTERROGATORIES**

Am. Complaint filed: January 27, 2025

1 PROPOUNDING PARTY: Plaintiff ELECTRONIC SOLIDUS, INC. d/b/a SWAN
2 BITCOIN

3 RESPONDING PARTY: Defendant PROTON MANAGEMENT LTD.

4 SET NO.: One (1)

5 Pursuant to Federal Rule of Civil Procedure 33, Specially Appearing
6 Defendant PROTON MANAGEMENT LTD. (“Responding Party”) submits these
7 responses and objections to the First Set of Targeted Interrogatories
8 (“Interrogatories”) propounded by Plaintiff ELECTRONIC SOLIDUS, INC. d/b/a
9 SWAN BITCOIN (“Propounding Party”).

10 **PRELIMINARY STATEMENT**

11 The following responses are made solely for the purpose of, and in relation to,
12 the Action. Each response is provided subject to all appropriate objections
13 (including, without limitation, objections concerning competency, relevancy,
14 materiality, propriety, and admissibility) that would require the exclusion of any
15 statement contained herein if the statement were made by a witness present and
16 testifying in court. All such objections and grounds therefor are reserved and may
17 be interposed at the time of trial.

18 The following responses to the Interrogatories are based upon the facts and
19 information presently known and available to Responding Party. Discovery,
20 investigation, research, and analysis are still ongoing in this case and may disclose
21 the existence of additional facts, add meaning to known facts, establish entirely new
22 factual or legal contentions, or possibly lead to additions, variations, or changes to
23 these responses. Without obligating itself to do so, Responding Party reserves the
24 right to change or supplement these responses as additional facts are discovered,
25 revealed, recalled, or otherwise ascertained, and as further analysis and research
26 disclose additional facts, contentions, or legal theories which may apply.

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GENERAL OBJECTIONS TO INTERROGATORIES

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2 1. Responding Party objects to the Interrogatories as premature because
3 the Court lacks personal jurisdiction over Proton, and Proton has filed a Motion to
4 Dismiss Swan’s Amended Complaint under Rule 12(b)(2) for lack of personal
5 jurisdiction. (Dkt. 121.) Discovery is improper and should be stayed where a party
6 is challenging a court’s jurisdiction. See, e.g., *Stussy, Inc. v. Shein*, No. 8:22-cv-
7 00379-CJC-KESx, 2022 U.S. Dist. LEXIS 219209, at *18 (C.D. Cal., Sept. 23,
8 2022) (denying motion to compel discovery and ordering stay pending court’s ruling
9 on Rule 12 motion for lack of personal jurisdiction); *Cooper v. Shoei Safety Helmet*
10 *Corp.*, No. 2:17-CV-03129-JAD-EJY, 2019 U.S. Dist. LEXIS 215343, at *6-7 (D.
11 Nev. Dec. 9, 2019) (same); *Canter & Assocs., LLC v. Teachscape, Inc.*, No. C 07-
12 3225 RS, 2008 WL 191978, at *1, n. 2 (N.D. Cal. Jan. 22, 2008) (denying motion to
13 compel and stating defendant challenging court’s subject matter jurisdiction was
14 within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No.
15 1:17-cv-01757-NONE-SAB, 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting
16 defendant’s motion to stay discovery pending motion to dismiss); *PlayUp, Inc. v.*
17 *Mintas*, 635 F. Supp 3d 1087 (D. Nev. 2022) (“a personal jurisdiction challenge
18 generally favors a stay of discovery”).

19 2. Responding Party objects to the Interrogatories in their entirety, and to
20 each individual interrogatory therein, on the grounds that they were not properly
21 served. Responding Party received the Interrogatories as a redacted attachment to
22 the Joint 26(f) Report (Dkt. 115-2). The Interrogatories were not “served via
23 electronic mail to counsel for Defendants” as stated in the Certificate of Service
24 attached to the Interrogatories.

25 3. Responding Party objects to the Interrogatories in their entirety, and to
26 each interrogatory therein, on the grounds that Propounding Party has failed to
27 comply with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to
28 identify with reasonable particularity the trade secrets it alleges that any defendant

1 misappropriated before commencing discovery, as required by Section H of the
2 Court's Scheduling Order (Dkt. 95).

3 4. Responding Party objects to the Interrogatories in their entirety, and to
4 each individual interrogatory therein, to the extent that they purport to require
5 Responding Party to provide information concerning persons or entities other than
6 Responding Party, on the grounds that the Interrogatories, to that extent, are
7 overbroad and seek information that is neither relevant to the subject matter of this
8 Action nor reasonably calculated to lead to the discovery of admissible evidence, or
9 if relevant, so remote therefrom as to make their disclosure of little or no practical
10 benefit to Plaintiff, while placing an unwarranted and extreme burden and expense
11 on Responding Party in ascertaining, gathering and providing such information.

12 5. Responding Party objects to the Interrogatories in their entirety and to
13 each individual interrogatory therein, to the extent that they seek information that is
14 not relevant and does not appear reasonably calculated to lead to the discovery of
15 admissible evidence.

16 6. Responding Party objects to the Interrogatories in their entirety and to
17 each individual interrogatory therein, to the extent that they purport to require
18 Responding Party to provide information that is not within its possession, custody,
19 or control.

20 7. Responding Party objects to the Interrogatories in their entirety, and to
21 each individual interrogatory therein, to the extent they purport to require
22 Responding Party to provide information that has already been provided by parties
23 in this Action, or that could be provided by parties to this Action, or non-parties.

24 8. Responding Party objects to the Interrogatories in their entirety and to
25 each individual interrogatory therein, to the extent that they are vague, ambiguous,
26 and/or overbroad.

27 9. Responding Party objects to the Interrogatories in their entirety and to
28 each individual interrogatory therein, to the extent that they purport to require

1 Responding Party to provide confidential business, financial, proprietary, or
2 sensitive information.

3 10. Responding Party objects to the Interrogatories in their entirety, and to
4 each individual interrogatory therein, to the extent they seek information prepared in
5 anticipation of, or in connection with this Action, or information protected from
6 disclosure by the attorney-client privilege, the attorney work-product doctrine, or
7 any other applicable privilege against disclosure.

8 11. Responding Party objects to the Definitions set forth in the
9 Interrogatories to the extent that such definitions purport to impose requirements on
10 Responding Party which differ from those set forth set forth in the Code of Civil
11 Procedure.

12 12. Responding Party objects to the Definitions set forth in the
13 Interrogatories to the extent that the definitions of the stated terms or phrases
14 assume facts not in evidence or otherwise improperly or incorrectly define the stated
15 terms or phrases.

16 13. The foregoing General Objections are, and shall be deemed to be,
17 incorporated in full into each specific Interrogatory Response set forth below.

18 **OBJECTIONS TO DEFINITIONS**

19 1. Responding Party objects to the definition of “Communication” as
20 overly broad, unduly burdensome, vague, ambiguous and unintelligible to the extent
21 it includes “whether or not the Communication was ever disclosed, sent, or
22 transmitted.” For purposes of responding to the Interrogatories, Responding Party will
23 exclude the portion noted above from the definition of “Communications” in the
24 Interrogatories, and interpret the otherwise overbroad definition not to impose a
25 burden beyond what is required by the Federal Rules of Civil Procedure, the Federal
26 Rules of Evidence, and the Local Civil Rules of the U.S. District Court for the Central
27 District of California.

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1 2. Responding Party objects to the definition of “Defendant” and
2 “Defendants” as overly broad, unduly burdensome, vague, ambiguous and
3 unintelligible to the extent that it includes Responding Party’s “members, employees,
4 representatives, officers, directors, managers, agents, attorneys, assigns, predecessors,
5 affiliates, parents, subsidiaries, and any other entities or Persons acting or purporting
6 to act on their behalf.” For purposes of responding to the Interrogatories, Responding
7 Party will interpret “Defendant” and “Defendants” as referring to the named
8 Defendants.

9 3. Responding Party object to the definition of “You”, “Your”, “Yourself”,
10 or “Proton” as overly broad, unduly burdensome, vague, ambiguous and
11 unintelligible to the extent that it includes “any of its members, employees,
12 representatives, officers, directors, managers, agents, attorneys, assigns, predecessors,
13 affiliates, parents, subsidiaries, and any other entities or Persons acting or purporting
14 to act on its behalf.” For purposes of responding to the Interrogatories, Responding
15 Party will interpret “Proton” as referring to Defendant Proton Management Ltd.

16 4. Individual Defendants object to the definition of “Individual
17 Defendants” as overly broad, unduly burdensome, vague, ambiguous and
18 unintelligible to the extent that it includes “any of their members, employees,
19 representatives, officers, directors, managers, agents, attorneys, assigns, predecessors,
20 affiliates, parents, subsidiaries, and any other entities or Persons acting or purporting
21 to act on their behalf.” For purposes of responding to the Interrogatories, Responding
22 Party will interpret “Individual Defendants” as referring to the Individual Defendants.

23 5. Responding Party objects to the definition of “Tether” and “Defendants”
24 as overly broad, unduly burdensome, vague, ambiguous and unintelligible to the
25 extent that it includes entities or individuals other than Tether Investments, Limited.
26 For purposes of responding to the Interrogatories, Responding Party will interpret
27 “Tether” as referring to the named Tether Investment Limit.

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RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

From the time period beginning August 2, 2024 through present, identify all Bitcoin wallets to which Proton has deposited mined Bitcoin and the amounts deposited, including:

- a) each wallet address to which mined Bitcoin has been deposited and the individuals with access to or control over each wallet; and
- b) the amount of Bitcoin deposited in each wallet, and when deposited.

For the avoidance of doubt, this includes the Bitcoin wallets referenced in paragraphs 183-185 of the Amended Complaint, as well as any Bitcoin wallets to which Proton has redirected the proceeds from the wallets described in those paragraphs of the Amended Complaint.

RESPONSE TO INTERROGATORY NO. 1:

Responding Party incorporates by references the General Objections and Objections to Definitions as if fully set forth herein. Responding Party objects to this interrogatory as premature because the Court lacks personal jurisdiction over Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper and should be stayed where a party is challenging a court's jurisdiction. See, e.g., *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and ordering stay pending court's ruling on Rule 12 motion for lack of personal jurisdiction); *Cooper v. Shoen Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY, 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter & Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant challenging court's subject matter jurisdiction was within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,

1 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
2 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
3 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
4 discovery”). Responding Party objects to this interrogatory to the extent that it
5 seeks information that is protected from disclosure by the attorney-client privilege,
6 work product doctrine, or any other applicable privilege or protection. Responding
7 Party also objects to this interrogatory’s demand as being compound, overbroad,
8 overly burdensome, and harassing, and as seeking documents that are not relevant to
9 the claims or defenses in this action. Responding Party further objects to this
10 interrogatory on the grounds that it is vague, overbroad and subjects Responding
11 Party to unreasonable and undue burden and expense. Responding Party also
12 objects to this interrogatory on the grounds and to the extent that it seeks
13 information that is not in the possession, custody or control of Responding Party
14 and/or is equally or more readily available from another source which is more
15 convenient, less burdensome, or less expensive. Responding Party objects to this
16 interrogatory to the extent that it is unreasonably cumulative or duplicative of other
17 requests for production. Responding Party objects to this interrogatory to the extent
18 that it purports to require Responding Party to produce information that contain
19 trade secrets of Responding Party, or other confidential business, financial,
20 proprietary, or sensitive information of Responding Party or third parties without
21 entry of a satisfactory confidentiality order. Responding Party further objects to this
22 interrogatory on the grounds that Propounding Party has failed to comply with Cal.
23 Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with
24 reasonable particularity the trade secrets it alleges that any defendant
25 misappropriated before commencing discovery, as required by Section H of the
26 Court’s Scheduling Order (Dkt. 95).

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INTERROGATORY NO. 2:

Identify all Sites at which Proton has mined Bitcoin, and for each Site, describe on a weekly basis:

- a) its location
- b) number and type of ASICs deployed;
- c) average hash rate;
- d) downtime reports;
- e) curtailment periods;
- f) operational costs;
- g) the amount of Bitcoin mined;
- h) proceeds resulting from Bitcoin mining; and
- i) all agreements with or relating to the Site, including any agreements or updates to agreements entered into since August 2, 2024.

RESPONSE TO INTERROGATORY NO. 2:

Responding Party incorporates by references the General Objections and Objections to Definitions as if fully set forth herein. Responding Party objects to this interrogatory as premature because the Court lacks personal jurisdiction over Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper and should be stayed where a party is challenging a court's jurisdiction. See, e.g., *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and ordering stay pending court's ruling on Rule 12 motion for lack of personal jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY, 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter & Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant challenging court's subject matter jurisdiction was within its rights to object);

1 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
2 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
3 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
4 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
5 discovery”). Responding Party objects to this interrogatory to the extent that it
6 seeks information that is protected from disclosure by the attorney-client privilege,
7 work product doctrine, or any other applicable privilege or protection. Responding
8 Party also objects to this interrogatory’s demand as being compound, overbroad,
9 overly burdensome, and harassing, and as seeking documents that are not relevant to
10 the claims or defenses in this action. Responding Party further objects to this
11 interrogatory on the grounds that it is vague, overbroad and subjects Responding
12 Party to unreasonable and undue burden and expense. Responding Party also
13 objects to this interrogatory on the grounds and to the extent that it seeks
14 information that is not in the possession, custody or control of Responding Party
15 and/or is equally or more readily available from another source which is more
16 convenient, less burdensome, or less expensive. Responding Party objects to this
17 interrogatory to the extent that it is unreasonably cumulative or duplicative of other
18 requests for production. Responding Party objects to the interrogatory in its entirety
19 and to each individual request therein, to the extent that it purports to require
20 Responding Party to produce information that contain trade secrets of Responding
21 Party, or other confidential business, financial, proprietary, or sensitive information
22 of Responding Party or third parties without entry of a satisfactory confidentiality
23 order. Responding Party objects that this Request is vague and ambiguous,
24 including in its use of the phrase “curtailment period”, “maintain”, and “maintained.
25 Responding Party further objects to this interrogatory on the grounds that
26 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
27 which requires Propounding Party to identify with reasonable particularity the trade
28 secrets it alleges that any defendant misappropriated before commencing discovery,

1 as required by Section H of the Court's Scheduling Order (Dkt. 95).

2 **INTERROGATORY NO. 3:**

3 Explain why [REDACTED].

4 **RESPONSE TO INTERROGATORY NO. 3:**

5 Responding Party incorporates by references the General Objections and
6 Objections to Definitions as if fully set forth herein. Responding Party objects to
7 this interrogatory as premature because the Court lacks personal jurisdiction over
8 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
9 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
10 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
11 Stussy, Inc. v. Shein, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
12 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
13 ordering stay pending court's ruling on Rule 12 motion for lack of personal
14 jurisdiction); Cooper v. Shoei Safety Helmet Corp., No. 2:17-CV-03129-JAD-EJY,
15 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); Canter &
16 Assocs., LLC v. Teachescape, Inc., No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
17 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
18 challenging court's subject matter jurisdiction was within its rights to object);
19 United States v. Dynamic Medical Systems, LLC, No. 1:17-cv-01757-NONE-SAB,
20 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
21 discovery pending motion to dismiss); PlayUp, Inc. v. Mintas, 635 F. Supp 3d 1087
22 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
23 discovery"). Responding Party further objects that this interrogatory is incomplete
24 and unanswerable in that it Propounding Party redacted the entire substance of the
25 interrogatory and has not served Responding Party with the unredacted
26 interrogatory. Responding Party further objects to this interrogatory on the grounds
27 that Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
28 which requires Propounding Party to identify with reasonable particularity the trade

1 secrets it alleges that any defendant misappropriated before commencing discovery,
2 as required by Section H of the Court's Scheduling Order (Dkt. 95).

3 **INTERROGATORY NO. 4:**

4 Identify and describe any management or services relating to Bitcoin mining
5 that You have offered to any Person, including all agreements between You and each
6 such Person. For the avoidance of doubt, this interrogatory encompasses any
7 management or services relating to Bitcoin mining that Elektron Energy has offered
8 to any Person, as well as agreements between Elektron Energy and each such Person.

9 **RESPONSE TO INTERROGATORY NO. 4:**

10 Responding Party incorporates by references the General Objections and
11 Objections to Definitions as if fully set forth herein. Responding Party objects to
12 this interrogatory as premature because the Court lacks personal jurisdiction over
13 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
14 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
15 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
16 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
17 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
18 ordering stay pending court's ruling on Rule 12 motion for lack of personal
19 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
20 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
21 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
22 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
23 challenging court's subject matter jurisdiction was within its rights to object);
24 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
25 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
26 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
27 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
28 discovery"). Responding Party objects to this interrogatory to the extent that it

1 seeks information that is protected from disclosure by the attorney-client privilege,
2 work product doctrine, or any other applicable privilege or protection. Responding
3 Party also objects to this interrogatory's demand as being compound, overbroad,
4 overly burdensome, and harassing, and as seeking documents that are not relevant to
5 the claims or defenses in this action. Responding Party further objects to this
6 interrogatory on the grounds that it is vague, overbroad and subjects Responding
7 Party to unreasonable and undue burden and expense. Responding Party also
8 objects to this interrogatory on the grounds and to the extent that it seeks
9 information that is not in the possession, custody or control of Responding Party
10 and/or is equally or more readily available from another source which is more
11 convenient, less burdensome, or less expensive. Responding Party objects to this
12 interrogatory to the extent that it is unreasonably cumulative or duplicative of other
13 requests for production. Responding Party objects to the interrogatory in its entirety
14 and to each individual request therein, to the extent that it purports to require
15 Responding Party to produce information that contain trade secrets of Responding
16 Party, or other confidential business, financial, proprietary, or sensitive information
17 of Responding Party or third parties without entry of a satisfactory confidentiality
18 order. Responding Party further objects to this interrogatory on the grounds that
19 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
20 which requires Propounding Party to identify with reasonable particularity the trade
21 secrets it alleges that any defendant misappropriated before commencing discovery,
22 as required by Section H of the Court's Scheduling Order (Dkt. 95).

23 **INTERROGATORY NO. 5:**

24 Describe Your relationship with Elektron Energy, including but not limited to
25 describing Your involvement in the formation of Elektron Energy, describing Your
26 involvement in the creation of Elektron-Energy.com, identifying any email
27 addresses associated with Elektron Energy that You maintain or control, and
28 identifying any GitHub accounts or repositories maintained by Elektron Energy that

1 relate to Bitcoin mining.

2 **RESPONSE TO INTERROGATORY NO. 5:**

3 Responding Party incorporates by references the General Objections and
4 Objections to Definitions as if fully set forth herein. Responding Party objects to
5 this interrogatory as premature because the Court lacks personal jurisdiction over
6 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
7 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
8 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
9 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
10 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
11 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
12 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
13 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
14 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
15 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
16 challenging court’s subject matter jurisdiction was within its rights to object);
17 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
18 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
19 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
20 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
21 discovery”). Responding Party objects to this interrogatory to the extent that it
22 seeks information that is protected from disclosure by the attorney-client privilege,
23 work product doctrine, or any other applicable privilege or protection. Responding
24 Party also objects to this interrogatory’s demand as being compound, overbroad,
25 overly burdensome, and harassing, and as seeking documents that are not relevant to
26 the claims or defenses in this action. Responding Party further objects to this
27 interrogatory on the grounds that it is vague, overbroad and subjects Responding
28 Party to unreasonable and undue burden and expense. Responding Party also

1 objects to this interrogatory on the grounds and to the extent that it seeks
2 information that is not in the possession, custody or control of Responding Party
3 and/or is equally or more readily available from another source which is more
4 convenient, less burdensome, or less expensive. Responding Party objects to this
5 interrogatory to the extent that it is unreasonably cumulative or duplicative of other
6 requests for production. Responding Party objects to the interrogatory in its entirety
7 and to each individual request therein, to the extent that it purports to require
8 Responding Party to produce information that contain trade secrets of Responding
9 Party, or other confidential business, financial, proprietary, or sensitive information
10 of Responding Party or third parties without entry of a satisfactory confidentiality
11 order. Responding Party objects that this interrogatory is vague and ambiguous,
12 including in its use of the phrases “Your relationship with Elektron Energy”,
13 “maintain”, and “maintained.” Responding Party further objects to this
14 interrogatory on the grounds that Propounding Party has failed to comply with Cal.
15 Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with
16 reasonable particularity the trade secrets it alleges that any defendant
17 misappropriated before commencing discovery, as required by Section H of the
18 Court’s Scheduling Order (Dkt. 95).

19
20 Dated: March 17, 2025

BERGESON, LLP

21
22
23 By: 

Jaideep Venkatesan

24 Attorneys for Specially Appearing Defendant
25 PROTON MANAGEMENT LTD.
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CERTIFICATE OF SERVICE

I, Emma Tofelogo-Fernandez, declare as follows:

I am an employee in Santa Clara County, the county in which the service described below occurs. My business address is 111 N. Market Street, Suite 600, San Jose, California 95113. I am over the age of eighteen (18) years and am not a party to the cause for which I am serving the document(s) named below.

I hereby certify that on March 17, 2025, I served the following document(s) described as **SPECIALY APPEARING DEFENDANT PROTON MANAGEMENT LTD'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S FIRST TARGETED INTERROGATORIES** on the parties listed in the **SERVICE LIST** a true copy thereof and served via electronically as follows:

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused such document to be sent by other electronic means to the person(s) consented to in writing—in either of which events service is complete upon filing or sending. FRCP Title II, §5(b)(2)(E).

Executed on March 17, 2025, at San Jose, California.



Emma Tofelogo-Fernandez

SERVICE LIST

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